

1 should take into account.

2 THE COURT: Yes, and I don't disagree, and in my
3 experience, in all honesty, Mr. Kotzker has been amenable to
4 all sorts of methods of reducing cost. If that were not so,
5 it might be a little different, but in all honesty, I think
6 some judges around the country are violating their oath by
7 treating these cases in a way that is different than any
8 other litigation filed because they just don't like it, they
9 don't like the proliferation, they don't like maybe the
10 subject matter, and I do not --

11 MR. LALCHANDANI: True.

12 THE COURT: -- I do not feel the freedom to violate
13 the Federal Rules of Civil Procedure and put undue burden on
14 the plaintiff here either, so I've tried to be very careful
15 in -- in giving them the benefit of the law, which I have to
16 because every -- every entity that appears before the U.S.
17 District Court is entitled to equal treatment, equal
18 process. So I -- I have tried to, when I can, suggest
19 methods to Mr. Kotzker to reduce cost, and he's been
20 amenable to those, but, you know, I disagree honestly with
21 some of these cases that, for example, are striking all Does
22 except one. I think that that's not consistent with the
23 Federal Rules of Civil Procedure, so I haven't done that.

24 Now, there may be some district judges even in
25 this district who agree with me, I'm just a magistrate

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1 judge, but I have seen what I think is unnecessary hostility
2 toward these cases because, frankly, it's Congress that did
3 this. Congress created the law that gives Malibu Media the
4 authority to bring lawsuit, and Congress can change the law,
5 but in the meantime, the courts are limited to applying the
6 law, and I know you agree with that.

7 MR. LALCHANDANI: I absolutely agree with that.
8 And, Judge, so you know, I'm -- I'm familiar with many of
9 your rulings in these cases, and I think on the whole
10 they're spot on.

11 THE COURT: Yeah.

12 MR. LALCHANDANI: I am just simply -- for purposes
13 of this motion, I am simply -- I don't think, as you've
14 stated, I don't think it's a significant burden to ask Mr.
15 Kotzker, who, in my minimal dealings with him, has proven to
16 be an outstanding attorney, but I don't think it's a burden
17 to ask him to issue the subpoenas out of Colorado, for the
18 sole purpose that when the subscribers get their subpoena
19 notice from Comcast, they're not immediately asked to go
20 appear in New Jersey, and often within less than 20 days,
21 with a motion to quash or some other motion that they might
22 (inaudible) to protect their interest.

23 THE COURT: I agree completely with you, and Mr.
24 Kotzker has agreed to do that.

25 Now, Mr. Kotzker, if, in fact, we run -- you run

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